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Brian Collamore

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 10/04/06. Claims 5, 11, and 17 have been cancelled. Claims 1, 3, 7, 13, 22, and 23 have been amended. Claim 1-4, 6-10, 12-16, and 18-23 are pending.

Specification

2. Applicant's arguments, filed 10/04/06, with respect to the objection of Applicant's specification under 35 U.S.C. § 132 (a) for introducing new matter have been fully considered and are persuasive. The objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 112

3. Applicant's arguments, filed 10/04/06, with respect to the rejection of claims 1-4, 6-10, 12-16, and 18-23 under 35 U.S.C. § 112, first paragraph, for not providing support for the invention have been fully considered and are persuasive. The objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 4, 6-10, 12-16, 18, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd et al. (US 2002/0087503; hereinafter Judd), in view of Rapaport et al. (6,192,112; hereinafter Rapaport), in view of Segal et al. (US 2001/0041991; hereinafter Segal), and further in view of Official Notice.

(A) As per currently amended claim 1, Judd discloses a medical information management system, comprising:

- (1) an information acquisition device (Judd: par. [0065]; Fig. 2);
- (2) a computer coupled to the information acquisition device, the computer including logic for receiving information from the information acquisition device, for setting a reconsider flag to indicate that new information is

- available for informing a user of arrival of the new information a study to which the new information corresponds (Judd: par. [0067]; Figs. 2-3); and
- (3) a memory element associated with the computer, where the memory element stores the information and associates the information with the study (Judd: par. [0075], [0077] and [0078]).

Judd, however, fails to *expressly* disclose a medical information management system, comprising:

- (4) a computer coupled to the information acquisition device, for not affecting a status of the reconsider flag if the study is unread.

Nevertheless, these features are old and well known in the art, as evidenced by Segal, Rapaport and Official Notice. In particular, Segal, Rapaport, and Official Notice disclose a medical information management system, comprising:

- (4) a computer coupled to the information acquisition device, for not affecting a status of the reconsider flag if the study is unread (Segal: par. [0094]) (Rapaport: col. 28, lines 4-col. 29, line 3)

Assuming *arguendo* that the prior art cited does not teach the aforementioned limitations (i.e., "for not affecting a status of the reconsider

flag if the study is unread”), Examiner takes Official Notice that this technique is notoriously well known and obvious. For example, Microsoft Windows 2000® uses an assortment of “flagging” techniques (e.g., bold fonts, underlining fonts, alternate font color, flag icons, etc.) to identify which documents have been, *inter alia*, read or unread. Moreover, these techniques were developed and used prior to Applicant's invention to allow a user to more effectively manage material to be read.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the aforementioned features of Segal with the combined teachings of Judd and Rapaport with the motivation of providing a means for updating medical studies/records including images (Segal: par. [0021]).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Rapaport with the teachings of Judd with the motivation of providing effective and timely communication of medical information to pertinent parties; and to provide efficient medical information management (Rapaport: col. 1, lines 52-col. 2, line 5).

(B) As per original claim 2, Judd discloses the medical information management system of claim 1, wherein the information includes medical image information (Judd: par. [0035]).

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Examiner has noted insofar as claim 2 recites "at least one of ultrasound image information, medical image information, patient measurements, calculations, findings, comments, waveforms, chart records, audio recordings, Doppler audio, Doppler flow sounds or heart sounds, Doppler audio, and a medical study report," medical image information has been recited.

(C) As per currently amended claim 3, Judd fails to *expressly* disclose the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and the reconsider flag is used to indicate to said user of the medical information management system that the new information has been associated with the study.

Nevertheless, these features are old and well known in the art, as evidenced by Rapaport. In particular, Rapaport discloses the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and the reconsider flag is used to indicate to a user of the medical information management system that the new information has been associated with the study (Rapaport: col. 28, lines 40-col. 29, line 3) (Examiner also notes that Judd teaches the use of e-mail notification to indicate new information is available and provides hyper-links (i.e., flags) within the email to the new information.).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Rapaport with the teachings of Judd with the motivation of providing effective and timely communication of medical information to

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pertinent parties; and to provide efficient medical information management (Rapaport: col. 1, lines 52-col. 2, line 5).

(D) As per previously presented claim 4, Judd discloses the medical information management system of claim 3, further comprising a client application, the client application further comprising a user interface configured to present to the user of the medical information management system an indication that the new information has been associated with the study (Judd: par. [0023] – [0026]; [0067]; Fig. 1, 13).

(E) As per previously presented claim 6, Judd discloses the medical information management system of claim 4, where the client application informs the user of the arrival of further new information pertaining to a further study that the user is not reviewing (Judd: par. [0023] – [0026]; par. [0067]; Fig. 1, 13).

(F) Claims 7-10, and 12 substantially repeat the same limitations of claims 1-4, and 6 and therefore, are rejected for the same reasons given for those claims.

(G) Claims 13-16, and 18 substantially repeat the same limitations of claims 1-4, 7, and 6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

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(H) As per currently amended claim 22, Judd discloses the program of claim 13, further comprising logic for informing the user of arrival of the new information when the user is reviewing the study to which the new information corresponds (Judd: par. [0067]; Figs. 2-3).

Examiner also notes that the technique of using conditional flags to indicate something, such as whether information has been read or has not been read and/or a certain condition has arisen is notoriously well known and obvious. For example, common email applications provide various flags to indicate whether and email has been read or unread, deleted, and sent, etc.

(I) As per currently amended claim 23, Judd discloses the method of claim 7, further comprising the act of informing the user of arrival of the new information when the user is reviewing the study to which the new information corresponds (Judd: par. [0067], Figs. 2-3).

Examiner also notes that the technique of using conditional flags to indicate something, such as whether information has been read or has not been read and/or a certain condition has arisen is notoriously well known and obvious. For example, common email applications provide various flags to indicate whether and email has been read or unread, deleted, and sent, etc.

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6. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd, Rapaport and Segal, as applied to claims 1, 7, and 13 above, and further in view of Myers et al. (5,832,450; hereinafter Myers).

(A) As per previously presented claim 19, Judd fails to *expressly* disclose the medical information management system of claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study.

Nevertheless, these features are old and well known in the art, as evidenced by Myers. In particular, Myers discloses the medical information management system of claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study (Myers: col. 2, lines 35-39).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Myers with the combined teachings of Judd, Rapaport and Segal with the motivation of providing an efficient medical record system (Myers: col. 2, lines 35-39).

(B) Claims 20 and 21 substantially repeat the same limitations of claim 19 and therefore, are rejected for the same reasons given for claim 19 and incorporated herein.

Response to Arguments

7. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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C. LUKE GILLIGAN
PATENT EXAMINER
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